

INTEGRATION OF ENVIRONMENT, SAFETY, AND HEALTH INTO THE SUBCONTRACTOR'S MANAGEMENT SYSTEM

[CT, FP –NR&D, FP – R&D, T&MC, LH/T&M, FPC, CREI, A –E – 06/08]

- (a) For the purposes of this clause,
- (1) The environmental, safety, and health system (ESHS) encompasses safety and health of employees, protection of environment, and the protection of the facility (plant) and products from damage, and includes pollution prevention, waste minimization, efficient energy management practices; and
- (b) In performing work under this Subcontract, the Subcontractor shall perform work safely, in a manner that ensures adequate protection of the public, employees, the facility (plant) and product from damage, and the environment, and shall be accountable for the safe performance of work. The Subcontractor shall integrate environmental, safety and health requirements into program missions and Center operations. Environment, safety, and health programs shall be operated as an integral and visible part of how the organization conducts both its mission and facility operational business, including the management of both routine and emergency operations. The Subcontractor shall exercise due care commensurate with the associated hazards of the work. The Subcontractor shall ensure that management of environment, safety, and health functions and activities becomes an integral and visible part of the Subcontractor's work planning and execution processes. The Subcontractor shall, in the performance of work, ensure that:
- (1) Line management is responsible for establishing, maintaining, and enforcing safe and healthful working conditions and procedures for all personnel. All personnel shall take every reasonable measure to ensure safe and healthful operations and conditions in accomplishing its work, including the protection of the public, the facility, the product, and the environment from injury, illness, or damage.
 - (2) Clear and unambiguous lines of authority and responsibility for ensuring appropriate environment, safety, and health processes are established and maintained at all organizational levels.
 - (3) Employees possess the experience, knowledge, skills, and abilities that are necessary to discharge their responsibilities.
 - (4) Resources are effectively allocated to address environment, safety, and health, programmatic, and operational considerations. Protecting the public and the employees from injury or illness, the facility (plant) and product from damage and the environment is a priority whenever activities are planned and performed.
 - (5) The ESHS implements, the "environmental management system" requirements of Executive Order 13148, April 21, 2000, Greening the Government Through Leadership in Environmental Management. The ESHS will be designed to integrate management of environmental practices, and ensure compliance with applicable laws, regulations, and policies.
 - (6) Before work is performed, the associated hazards are evaluated and environment, safety and health standards and requirements are established which, if properly implemented, should provide adequate assurance that employees, the public, and the environment are protected from adverse consequences.
 - (7) Administrative and engineering controls to prevent and mitigate hazards are tailored to the work being performed and associated hazards. Emphasis should be on designing the work and/or controls to reduce or eliminate the hazards and to prevent accidents and unplanned releases and exposures.
- (c) The Subcontractor shall manage and perform work in accordance with a documented site wide integrated ESHS that fulfills all conditions in paragraph (b) of this clause at a minimum. Documentation of the ESHS in an ESHS Plan shall describe how the Subcontractor will:
- (1) Define the scope of work;
 - (2) Identify and analyze hazards associated with the work;
 - (3) Develop and implement hazard controls;
 - (4) Perform work within controls;
 - (5) Provide feedback on adequacy of controls and continue to improve safety management; and;
 - (6) Describe how the Subcontractor will measure system effectiveness.

- (d) The Subcontractor shall submit to JPL documentation of its ESHS Plan for review and comment. JPL will establish dates for submittal, review, and comment on the ESHS Plan. Guidance on the preparation, content, review, and approval of the ESHS Plan will be provided by JPL. The Subcontractor shall review and update its ESHS Plan on an annual basis and submit documentation to the JPL Subcontract Manager for review.
- (e) The Subcontractor shall maintain the integrity of its ESHS and ensure it is integrated with the Subcontractor's business processes for work planning, budgeting, authorization, execution, and change control.
- (f) The Subcontractor shall comply with, and assist JPL in complying with, environment, safety, and health requirements of all applicable laws and regulations, and applicable Government Policies. The Subcontractor shall cooperate with Federal and non-Federal agencies having jurisdiction over environment, safety, and health matters under this Subcontract.
- (g) The Subcontractor shall promptly evaluate and resolve any non-compliance with applicable environmental, safety, and health requirements of this Subcontract, and the ESHS Plan. If the Subcontractor fails to provide resolution or if, at any time, the Subcontractor's action or inaction causes substantial harm or an imminent danger to the environment or health and safety of employees or the public, JPL may issue an order stopping work in whole or in part. Any stop work order issued by JPL under this Article (or issued by the Subcontractor to a Lower-tier Subcontractor in accordance with paragraph (i) of this Article) shall be without prejudice to any other legal or contractual rights of JPL. In the event that JPL issues a stop work order, an order authorizing the resumption of the work may be issued at the discretion of JPL. The Subcontractor shall not be entitled to an extension of time or additional fee or damages by reason of, or in connection with, any work stoppage ordered in accordance with the warranted exercise of this paragraph of the clause.
- (h) The Subcontractor is responsible for flowing down the environment, safety, and health requirements applicable to this Subcontract to Lower-tier Subcontracts to the extent necessary to ensure the Subcontractor's compliance with the requirements.
- (i) The Subcontractor shall include a clause substantially the same as this clause in Lower-tier Subcontracts involving hazardous work on site at a NASA-owned or-leased facility. Such Lower-tier Subcontracts shall provide for the right to stop work under the conditions described in paragraph (g) of this clause. Depending on the complexity and hazards associated with the work, the Subcontractor may choose not to require the Lower-tier Subcontractor to submit an ESHS Plan for the Subcontractor's review and approval.